TO: The Honorable Chairman and Members of the Board of County Commissioners

FROM: James L. Bennett, County Attorney

SUBJECT: The First of Two Hearings on an Ordinance Establishing a One-Year Moratorium for the Unincorporated Area of Pinellas County, on the Permitting of Animated Signs, Including All Electronic Reader Boards, as Defined in Code Section 138-1334

DISTRIBUTION: Robert S. LaSala, County Administrator

DATE: December 1, 2009

RECOMMENDATION: I RECOMMEND THAT THE BOARD OF COUNTY COMMISSIONERS REVIEW THE ORDINANCE ESTABLISHING A ONE-YEAR MORATORIUM FOR THE UNINCORPORATED AREA OF PINELLAS COUNTY ON THE PERMITTING OF ANIMATED SIGNS, INCLUDING ALL ELECTRONIC READER BOARDS, AS DEFINED IN CODE SECTION 138-1334.

DISCUSSION: In the fall of 2008, Clear Channel Outdoor, Inc., a billboard company, requested the Board of County Commissioners to relax the frequency standard for changing messages for digital billboards from once every minute to once every six seconds. The Board, in anticipation of a study by the Federal Highway Administration (“FHWA”) on this issue, scheduled for completion in late 2009, continued the matter until that time. In July of 2009, Clear Channel again requested the Board to relax the frequency standard for changing messages for digital billboards from once every minute to once every six seconds. At an October 27, 2009 workshop on the Clear Channel request, the Board stated that a hold on digital sign applications was desired until the County Staff could review the FHWA study, now due to be published in 2010, and the County sign regulations could be updated to address the safety, environmental and aesthetic impacts of digital signs generally and of their changing at higher frequencies. At its November 17, 2009 meeting, the Board directed County Staff to expeditiously prepare an ordinance to formalize a one-year moratorium on the acceptance of applications received after 5:00 p.m. on November 17, 2009 for all digital signs, referred to us as animated and electronic reader board signs in the Pinellas County Code, in unincorporated Pinellas County. The proposed ordinance includes a provision that the moratorium may be shortened prior to the end of the one-year period with the adoption by the Board of standards and regulations on digital signs.

The proposed ordinance has been scheduled for the December 1st and 15th, 2009 Board meetings. A copy of the proposed ordinance is attached for your reference.

JLB:DSS:tsc
Attachment: Proposed Moratorium Ordinance
H:USERS\ATYKB11\WP\docs\DSS\Ordinances\2009\Moratorium\Board Memo hearings Ord 1 yr moratorium 120109.doc
ORDINANCE 09---

AN ORDINANCE OF THE COUNTY OF PINELLAS DECLARING A ONE-YEAR MORATORIUM FOR THE UNINCORPORATED AREA OF PINELLAS COUNTY ON THE PERMITTING OF ANIMATED SIGNS, AS DEFINED IN PINELLAS COUNTY CODE SECTION 138-1334; PROVIDING FOR OTHER MODIFICATIONS THAT MAY ARISE FROM REVIEW OF THE ORDINANCE AT THE PUBLIC HEARING AND/OR WITH THE RESPONSIBLE PARTIES; AND PROVIDING FOR EFFECTIVE DATE.

WHEREAS, in 1989, the Pinellas County Board of County Commissioners ("Board") adopted the Pinellas County Comprehensive Plan, after extensive public input and discussion, including Future Land Use Element Policy 1.8.3, which stated that the existing County sign regulations were to be reviewed and amended as necessary to meet the safety, environmental, and aesthetic needs of the county; and

WHEREAS, in 1992, the Board adopted its current sign code for unincorporated Pinellas County; and

WHEREAS, in 1994, the billboard industry requested that the Board amend its sign code to allow changeable message signs, in particular to accommodate the relatively new "tri-vision" billboards; and

WHEREAS, in recognition that a changeable message sign would have safety, environmental, and aesthetic implications, and in further recognition that any frequency applicable to billboards would also be applicable to all signage, the Board, in 1994, amended a portion of its sign code to allow changeable messages, but with significant restrictions, one of which is the one minute interval between messages; and

WHEREAS, the technology has substantially progressed in the area of commercial electronic variable message signs ("CEVMS"), also referred to as digital or animated signs, since the 1992 adoption of the County sign code and the above 1994 amendment to that sign code; and
WHEREAS, in the fall of 2008, one of the major billboard companies, Clear Channel Outdoor, Inc., requested that the County relax the standard for changing messages on CEVMS billboards from once per minute to once every six seconds; and

WHEREAS, the Board, in anticipation of a study by the Federal Highway Administration ("FHWA"), scheduled for completion in late 2009, on the effect of CEVMS on driver behavior and the evaluation of their potential risk to traffic safety, continued the matter until that time; and

WHEREAS, in 2007, the American Association of State Highway and Transportation Officials ("AASHTO") identified a need for research related to the impacts of CEVMS on traffic safety, and subsequently sponsored a study with the National Cooperative Highway Research Program to develop guidelines for CEVMS that state and local agencies could adopt. That study, titled "Safety Impacts of the Emerging Digital Display Technology for Outdoor Advertising Signs," was completed in April of 2009, and identified a series of recommendations for eleven (11) such guidelines; and

WHEREAS, the County sign code predates the current level of CEVMS technology and does not address the guidelines in the AASHTO study; and

WHEREAS, the FHWA study has been delayed for one year, with a draft of the FHWA final report on CEVMS having been rescheduled to be completed in April of 2010, and the actual report to be released sometime in 2010; and

WHEREAS, in July of 2009, Clear Channel renewed its request to relax the frequency standard for changing messages for CEVMS billboards from once every sixty seconds to once every six seconds; and

WHEREAS, on October 27, 2009, the Board conducted a workshop on the Clear Channel request, and the Board stated that a hold on future CEVMS installations was desired
until the County sign regulations could be updated to address the safety, environmental and aesthetic impacts of CEVMS generally and of their changing at higher frequencies, and negotiations with sign companies on reducing the overall number of billboards in unincorporated Pinellas County could commence; and

WHEREAS, on November 17, 2009, at a public meeting, the Board directed County Staff to expeditiously prepare an ordinance to formalize a one-year moratorium on the acceptance of applications received after 5:00 p.m. on November 17, 2009 for CEVMS in unincorporated Pinellas County; and

WHEREAS, the one-year time period for the moratorium is based partly on the receipt and review of the FHWA study, scheduled for publication in 2010, and the development of standards for CEVMS based on the guidelines in the AASHTO study; and

WHEREAS, the December 1st and 15th, 2009 Board meetings are the earliest dates that this Ordinance could be scheduled.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Pinellas County, Florida that:

1. A one-year moratorium is declared, from the effective date of the Ordinance, on the permitting of animated signs, including all electronic reader boards, as defined in Section 138-1334 of the Pinellas County Code, in the unincorporated area of Pinellas County.

2. Applications for such signs received by County Staff prior to 5:00 p.m. on November 17, 2009, may be processed under the current County sign code regulations and practices.

3. County Staff commences the development of standards and regulations for CEVMS for incorporation into the County sign code, reflecting the current available information on traffic safety and environmental impacts and aspects of these signs, including the above referenced
FHWA and AASHTO studies, and the Board’s vision on aesthetics relating to CEVMS installation.

4. The moratorium may be shortened prior to the end of the one-year period with the adoption of standards and regulations on CEVMS.

5. Pursuant to Section 125.66, Florida Statute, a certified copy of this Ordinance shall be filed with the Department of State by the Clerk of the Board of County Commissioners within ten (10) days after enactment by the Board of County Commissioners. The Ordinance shall become effective upon filing of the Ordinance with the Department of State.
APPROVED AS TO FORM
OFFICE OF COUNTY ATTORNEY

By [Signature]
Attorney